

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
OFFICE OF ADMINISTRATIVE LAW JUDGES



In the Matter of)
)
Tronox Limited,)
a corporation)
)
National Industrialization Company)
(TASNEE),)
a corporation,)
)
National Titanium Dioxide Company Limited)
(Cristal),)
a corporation, and)
)
Cristal USA Inc.,)
a corporation,)
)
Respondents.)
)

DOCKET NO. 9377

**RESPONDENT TRONOX LIMITED'S RESPONSE TO
LOMON BILLIONS' MOTION TO QUASH**

From the outset of discovery, Respondent Tronox Limited (“Tronox”) has sought Lomon Billions’ participation as a relevant third party in this case. Lomon Billions is the largest Chinese producer of titanium dioxide (“TiO2”) and one of the largest TiO2 producers in the world. The actions of Chinese TiO2 producers, including Lomon Billions in particular, are relevant to many aspects of this dispute, including the definition of relevant product and geographic markets, the potential for new market entrants, and the future trajectory of competition in the TiO2 industry.

Tronox timely sought Lomon Billions’ participation in these proceedings as a witness, just as Respondents and Complaint Counsel had subpoenaed numerous other third-party witnesses. In January, Tronox issued both a document subpoena and a deposition subpoena to three Lomon Billions entities. The deposition subpoena specifically sought a corporate representative most knowledgeable from Lomon Billions on a variety of topics. After much dispute and significant

lapses in time, Lomon Billions agreed to produce a small number of documents from an international entity and a representative most knowledgeable only from Billions America Corporation. Lomon Billions designated Director of Sales, North America, Megan O'Malley Noe, as the representative most knowledgeable and made Ms. Noe available for deposition only on May 18, 2018, after these proceedings had begun.

Nevertheless, Tronox took Ms. Noe's deposition. After receiving relevant, admissible deposition testimony from Ms. Noe, Tronox validly served a trial subpoena to obtain her in-person testimony at trial. In response, Lomon Billions filed a motion to quash, claiming that the corporate representative *it* designated as most knowledgeable is, in fact, not knowledgeable at all. Additionally, in a letter of Friday, June 1, 2018, Lomon Billions indicated that Ms. Noe is essentially unavailable to testify for the remainder of this trial.

Solely in light of Ms. Noe's unavailability, which makes her in-person testimony incompatible with these proceedings, Tronox will withdraw its trial subpoena without prejudice to serving additional subpoenas on Ms. Noe and/or Lomon Billions in future proceedings. In lieu of Ms. Noe's in-person testimony, Tronox will play video-taped deposition testimony from Ms. Noe at trial.

Dated: June 4, 2018

Respectfully Submitted By: /s/ Michael F. Williams, P.C.
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CERTIFICATE OF SERVICE

I hereby certify that on June 4, 2018, I filed the foregoing document electronically using the FTC's E-Filing System, which will send notification of such filing to:

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The Honorable D. Michael Chappell
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I also certify that I caused the foregoing document to be served via email to:

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CERTIFICATE FOR ELECTRONIC FILING

I certify that the electronic copy sent to the Secretary of the Commission is a true and correct copy of the paper original and that I possess a paper original of the signed document that is available for review by the parties and the adjudicator.

June 4, 2018

By: /s/ Michael F. Williams
Michael F. Williams

Notice of Electronic Service

I hereby certify that on June 04, 2018, I filed an electronic copy of the foregoing Respondent Tronox Limited's Response to Lomon Billion's Motion to Quash, with:

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Donald Clark
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I hereby certify that on June 04, 2018, I served via E-Service an electronic copy of the foregoing Respondent Tronox Limited's Response to Lomon Billion's Motion to Quash, upon:

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I hereby certify that on June 04, 2018, I served via other means, as provided in 4.4(b) of the foregoing Respondent Tronox Limited's Response to Lomon Billion's Motion to Quash, upon:

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